



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
950,901	10/12/78	GILBERT P. HYATT	

GILBERT P. HYATT  
P.O. BOX 4584  
ANAHEIM, CALIF. 92803

EXAMINER	
R.A. WINTERCORN	
ART UNIT	PAPER NUMBER
211	2

DATE MAILED:

MAILED

JUL 29 18 AM '79

GROUP 210

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited, Form PTO-892.
- ☐ Notice of Informal Patent Drawing, PTO-948.
- ☒ Notice of Informal Patent Application, Form PTO-152.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-10 \_\_\_\_\_ are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 1-10 \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
- ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_,  
filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

PART III

SERIAL  
NUMBER

950,901

GROUP ART UNIT  
211

NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1-10	35 USC 102	A	SEE COL. 6, LINES 1-62
2				
3				
4				

- 5 FROM A MERE CURSORY REVIEW OF THE TWENTY (20) APPLICATIONS LISTED ON PP. 1B-1C, IT IS NOT UNDERSTOOD HOW THE INSTANT APPLICATION CAN BE A C-I-P OF ALL SAID APPLICATIONS SINCE A PASSAGE OF NEARLY NINE YEARS AND A POSSIBILITY OF A HIATUS (LACK OF COPENDENCY) AND <sup>A QUESTION OF</sup> A COMMON BASE SUBJECT ARE INVOLVED. A VERIFIED SHOWING IS REQUIRED.
- 6 CLAIMS 1-10, ALL CLAIMS, ARE REJECTED.

\* Capital letters representing references are identified on accompanying Form PTO-892.  
The symbol "v" between letters represents - in view of -.  
The symbol "+" or "&" between letters represents - and -.  
A slash "/" between letters represents the alternative - or -.

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute (Title 35 of the United States Code) are reproduced on the back of this sheet.

EXAMINER

TEL. NO.

(703) - 557 - 2903

*Richard A. Wintercorn*  
RICHARD A. WINTERCORN  
PRIMARY EXAMINER  
ART UNIT 211

**35 U.S.C. 100. Definitions.** When used in this title unless the context otherwise indicates —

- (a) The term "invention" means invention or discovery.
- (b) The term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.
- (c) The terms "United States" and "this country" mean the United States of America, its territories and possessions.
- (d) The word "patentee" includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

**35 U.S.C. 101. Inventions patentable.** Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**35 U.S.C. 102. Conditions for patentability; novelty and loss of right to patent.** A person shall be entitled to a patent unless —

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or cause to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**35 U.S.C. 103. Conditions for patentability; non-obvious subject matter.** A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**35 U.S.C. 112. Specification.** The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICANT(S) <b>HYATT</b>	
SERIAL NO. <b>950,901</b>	ATTACHMENT TO PAPER NO. <b>2</b>

This application is informal for the reason(s) checked below.

The period within which to correct these informalities and avoid abandonment is set on the attached paper.

1. ☒ The oath (or declaration) is defective for the reason(s) checked below. A DECLARATION (or oath) identifying this application by the above Serial Number and title in compliance with Title 37 Code of Federal Regulations Sec. 1.68 is required.
- A. ☒ 37 CFR 1.65 has not been complied with in that:
1. ☐ The terms "original" and/or "first" are omitted.
  2. ☐ The clause re "public use," "on sale" or "printed publication" is omitted.
  3. ☐ Applicant's citizenship is omitted.
  4. ☐ Reference to "sole" or "joint" inventorship has been omitted or has been used improperly.
  5. ☐ An improper oath or declaration form has been used.
  6. ☐ The date of execution is omitted, incomplete or more than three months prior to filing.
  7. ☐ The Notary's signature has been omitted, or is in the wrong place.
  8. ☐ The Notary's seal and venue differ or are omitted or the jurat has been omitted (MPEP section 604.02).
  9. ☐ The consular certificate has been omitted or is signed by an officer whose identity or authority to sign has been omitted. (see 37 CFR 1.66(a))
  10. ☐ The papers are not properly ribboned. The DECLARATION (or oath) required above should refer to the papers as filed.
  11. ☒ The declaration clause regarding "...acknowledge a duty to disclose..." as required by 37 CFR 1.65(a)(1) has been omitted.
  12. ☐ The reference to the possible earlier filing of an application for an inventors certificate as required by 37 CFR 1.65(a)(1) is omitted.
- B. ☐ Permanent ink or its equivalent in quality as required under 37 CFR 1.52(a) has not been used for the
1. ☐ Signature
  2. ☐ Oath or declaration
  3. ☐ Specification
- C. ☐ Non-initialed alterations have been made to the oath or declaration (see 37 CFR 1.52(c) and 1.56).
- D. ☐ The declaration clause regarding, "willful false statements..." as required by 37 CFR 1.68 has been omitted.
- E. ☐ Other
2. ☐ The papers are defective. Applicant is required to provide:
- A. ☐ A statement over applicant's signature giving his/her complete name "including at least one given name without abbreviation" as required by 37 CFR 1.57.
  - B. ☐ Proof of authority of the legal representative under 37 CFR 1.44.
  - C. ☐ An abstract in compliance with 37 CFR 1.72(b).
  - D. ☐ A properly executed affidavit signed by all of the inventors stating the date on which the unsigned and/or undated alterations to page(s) \_\_\_\_\_ were made. If such changes were made after the date of the oath or declaration, an amendment cancelling these alterations is required.
  - E. ☐ A statement over applicant's signature giving his/her complete Post Office Address.
  - F. ☐ A statement over applicant's signature giving his/her complete Post Office Address and city and state (or foreign country) of residence.
  - G. ☐ A statement giving applicant's correct city and state (or foreign country) of residence. If it is the same as that of his/her Post Office Address, NO FURTHER RESPONSE IS NECESSARY.
  - H. ☐ Other

ENCLOSED:

- ☐ "General Information Concerning Patents"
- ☐ Copy of a patent to assist applicant in making corrections.
- ☐ Copy of a DECLARATION for completion by applicant.